

REMARKS

This Amendment, together with the accompanying Petition to Revive under 37 C.F.R. § 1.137(b), represents a full and timely response to the non-final Office Action dated February 2, 2004 (Paper No. 0104). The present amendment amends claim 1 in order to further clarify a portion of the scope sought to be patented, and otherwise disputes certain findings of fact made in connection with the rejection of the claims. New claims 4-8 have also been added. Support for these amendments can be found variously throughout the specification, including, for example, page 6, line 25 to page 8, line 16. No new matter has been added. Accordingly, claims 1 to 8 are presently pending in the application, each of which is believed to be in condition for allowance. Reexamination and reconsideration in light of the present amendment and the following remarks are respectfully requested.

New Claims

Support for new claims 4-8 can be found variously throughout the specification, including, for example, page 6, line 25 to page 8, line 16. Since each of these new claims is clearly distinguishable from the applied art of record, allowance of the same is courteously solicited.

Claim to Priority

At the request of the examiner, certified formal papers were filed for the present application in connection with Applicant's claim to priority under 35 U.S.C. § 119(a)-(d) on April 26, 2004. Acknowledgement of proper receipt of these formal papers is respectfully requested.

Claim Rejections- 35 U.S.C. § 112

In the Action, claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Applicant respectfully traverses this rejection. However, in order to expedite prosecution, claim 1 has been amended in accordance with the examiner's suggestion. Withdrawal of this rejection is therefore courteously solicited.

Claim Rejections- 35 U.S.C. § 102

In the Action, claims 1-2 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,365,028 to Takano ("Takano"). This rejection is respectfully traversed.

Independent claim 1 of the present application recites, *inter alia*, a slide switch wherein ***a metal plate is insert-molded in a portion of a pole board in which a fixed contact is not present.***

In contrast, although Takano arguably discloses a plurality of fixed contact strips 22 formed on the bottom plate 10d of housing 10 so as to oppose moveable contact 16, Takano clearly fails to disclose, teach or suggest a metal plate insert-molded in a portion of a pole board in which a fixed contact is not present, as recited in claim 1 of the present invention. In fact, as clearly illustrated in Figs. 6 and 7 of Takano, the only plates formed on or in the bottom plate 10d of housing 10 are the fixed contact strips 22 – no other disclosure, teaching or suggestion is provided in Takano of an additional metal plate insert-molded in a portion of bottom plate 10d in which the fixed contact strips 22 are not present.

Accordingly, because Takano fails to disclose, teach or suggest each and every limitation of claim 1, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully requested. See, e.g., *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference").

Moreover, aside from the novel limitations recited therein, claim 2, being dependent upon allowable base claim 1, is also allowable for at least the reasons set forth above. Withdrawal of the rejection of this claim is therefore courteously solicited.

In addition, claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,720,385 to Uchiyama ("Uchiyama"). This rejection is also respectfully traversed.

Although Uchiyama arguably discloses a slide switch S having a fixed contact 10 on a pole plate 7 formed opposite a movable contact plate 2, Uchiyama fails to disclose, teach or suggest a metal plate insert-molded in a portion of a pole board in which a fixed contact is not

present, as recited in claim 1 of the present invention. Instead, as illustrated in Figs. 2 and 5, it is arguable that the only plates formed on or in the pole plate 7 are the fixed contacts 10 – no other disclosure, teaching or suggestion is provided in Uchiyama of an additional metal plate insert-molded in a portion of pole plate 7 in which the fixed contacts 10 are not present.

Accordingly, because Uchiyama fails to disclose, teach or suggest each and every limitation of claim 1, a *prima facie* anticipation rejection has not been established, and withdrawal of this rejection is respectfully requested.

Moreover, aside from the novel limitations recited therein, claim 3, being dependent upon allowable base claim 1, is also allowable for at least the reasons set forth above. Withdrawal of the rejection of this claim is therefore courteously solicited.

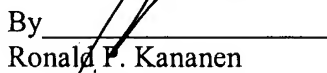
Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. NIL-0199, from which the undersigned is authorized to draw.

Dated: January 7, 2005

Respectfully submitted,

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